

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

August 16, 2007

A meeting of the Board of Environmental Protection was held on Thursday, August 16, 2007 at the Augusta Civic Center, Augusta, Maine. Virginia Plummer, Chair, called the meeting to order at 8:00 a.m. with the following individuals present:

Board: Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, Sue Lessard, Virginia Plummer, and Nancy Ziegler

Board member Nancy Anderson arrived at approximately 8:30am
(Androscoggin River deliberative session only)

Absent: Matt Scott

<u>Staff:</u>	Bureau of Air Quality	Marc Cone
	Bureau of Air Quality	James P. Brooks, Director
	Bureau of Land and Water Quality	Dana Murch
	Bureau of Land and Water Quality	Brian Kavanah
	Bureau of Land and Water Quality	David Courtemanch
	Bureau of Remediation and Waste Management	Mark Hyland, Director

Others: David P. Littell, Commissioner
Cindy Bertocci, BEP Executive Analyst
Peggy Bensinger, Assistant Attorney General
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 6:15 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: Commissioner David Littell reported the following:

Penobscot River: The Department is currently investigating the cause of a blue-green algae bloom and will brief the Board on the findings at a future Board meeting. Commissioner Littell noted that this occurrence is highly unusual.

Wind Power Site Visit: Commissioner Littell explained that his visit to the Mars Hill wind power facility scheduled for September 24th has been changed because of a meeting with citizens concerning compliance matters. Therefore, it will not be appropriate to have Board members accompany him because a consent agreement may be an outcome of the Department's review of the compliance issues – if so, it would come before the Board.

B. COMMENTS FROM THE BEP CHAIR:

Board Chair Plummer explained the change to the start time of the afternoon public hearing and advised that she will explain this matter to the public throughout the day.

- C. EXECUTIVE ANALYST COMMENTS:** None
- D. BOARD CALENDAR: NO CHANGES**
- E. DEPARTMENTAL ORDERS: No questions**
- F. EXECUTIVE SESSION: NONE**

II. CONSENT AGENDA ITEMS

Board voted (7-0-0-3) to approve consent agenda item 1, as presented.

Board members Elizabeth Ehrenfeld, Richard Gould, Don Guimond, Ernest Hilton, Sue Lessard, Virginia Plummer, and Nancy Ziegler voted to support the motion. Board members Nancy Anderson, Matt Scott and M. Wing Goodale were absent.

1. ECOMAINE, Portland – Administrative Consent Agreement (BAQ)

III. Regular Agenda

1. CHAPTER 415 REASONABLE COSTS FOR HANDLING AND RECYCLING OF ELECTRONIC WASTES / AMENDMENT (adoption)

Staff: Mark Hyland, Director, Bureau of Remediation & Waste Management

The Board voted (8-0-0-2) on a motion to adopt the amendment to Chapter 415, Reasonable Costs for Handling and Recycling of Electronic Wastes as presented that was proposed by citizen petition (Likeable Recyclables). The amendment authorizes the Department to add consolidators to the approval list outside of the annual application/review period of October 1 to December 1. The Board voted pursuant to 5 M.R.S.A. Section 8051-8074 and 38 M.R.S.A. Sections 341–D(1-B) and 1610.

Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, Sue Lessard, Virginia Plummer, and Nancy Ziegler voted to support the motion. Board members Nancy Anderson and Matt Scott were absent.

2. CHAPTER 121, EMISSION LIMITATIONS AND EMISSION TESTING OF RESOURCE RECOVERY FACILITIES / AMENDMENT (post to 30-day written comment)

Staff: Marc Cone, Bureau of Air Quality

The Board voted (8-0-0-2) on a motion to post to 30-day written comment an amendment to Chapter 121, Emission Limitations and Emission Testing of Resource Recovery Facilities that includes the mercury standard for small waste combustors and establish September 22, 2007 as the deadline for submittal of comments. The vote was taken pursuant to 38 M.R.S.A. Section 341-D (1-B).

Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, Sue Lessard, Virginia Plummer, and Nancy Ziegler voted to support the motion. Board members Nancy Anderson and Matt Scott were absent.

3. ANDROSCOGGIN RIVER APPEAL(s) // Verso, Jay ME 0001937 and W000623-5N-F-R; Rumford Paper Company ME 0002054 and W000955-5N-G-R; Livermore Falls Publicly Owned Treatment Works ME 0100315 and W 002654-5L-G-R; and Gulf Island Pond-Deer Rips Hydro Project #L-17100-33-O-N (Second Deliberative session)

Staff: Cindy Bertocci, BEP Executive Analyst

Staff: Dana Murch, Bureau of Land and Water Quality

Brian Kavanah, Bureau of Land and Water Quality

David Courtemanch, Bureau of Land and Water Quality.

THE BOARD HELD A PUBLIC HEARING BEGINNING AT 2:00 P.M. IN THE MATTER OF:

CHAPTER 150, CONTROL OF EMISSIONS FROM OUTDOOR WOOD BOILERS / NEW

Staff: Ron Severance, Bureau of Air Quality

Mark Roberts, Bureau of Air Quality

Next Regular Meeting –Thursday, September 6, 2007 – **Holiday Inn / Ground Round**